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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	NO. CONFIRMATION NO		
09/665,780	09/20/2000	Herman Chien	1999-0804 6102			
30083	7590 01/30/2003					
PERKINS COIE LLP/AWS			EXAMINER			
P.O. BOX 124	7	NGUNEN E	NOUNTRY DISCOURT			
SEATTLE, WA 98111-1247			NGUYEN, DUC MINH			
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			2643			

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No		Applicant(s)						
Examiner		•	09/665,780		CHIEN, HERMAN	<b>M</b>					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  • Edinations of time may be variable to under the provisions of 32 CPR 1.136(a). In no event, however, may a reply be limitly filed after 3K(a) (MONTHS from the mailing date of this communication.  • If the period for reply specified stove is been them filtry (30), stays, a reply within the datalenty minimum of theiry (30) stays we be considered timely.  • If the period for reply specified stove is been them then (30), stays, a reply within the datalenty within the start careful provisions of the 30 communication.  • If the period for reply specified stove is been them them them that the period to reply specified stove is been them them that the period to reply specified stove is been than three months after the mailing date of the communication, even if timely filed, may reduce any sented patient them aliquitame. Set 7CR 1.704(b).  • Failuse to reply specified them offices the mailing date of the communication, even if timely filed, may reduce any sented patient them aliquitame. Set 7CR 1.704(b).  • Status  • This action is FINAL.  • Ship I stay to communication (s) filed on		Office Action Summary			·						
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  after 5X (6) MONTHS from the mailting date in provisions of 37 CFR 1.35(a). In no event, however, may a reply be limitely filled  after 5X (6) MONTHS from the mailting date in provisions of 37 CFR 1.35(a). In no event, however, may a reply be limitely filled  after 5X (6) MONTHS from the mailting date in provisions of 37 CFR 1.35(a).  If No period for reply a specified above, the maximum databotry period will apply and will expire 3X (6) MONTHS from the mailting date of this communication of 37 CFR 1.35(a).  If No period for reply a specified above, the maximum databotry period will apply and will expire 3X (6) MONTHS from the mailting date of this communication, even if timely filed, may reduce a my second patient term adjustment. See 37 CFR 1.704(b).  Status  1)			Duc Nguyen								
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Application/Control Number: 09/665,780 Page 2

Art Unit: 2643

### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ronen (5,745,556).

Consider claim 1. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11).

Consider claims 2-4. Fig. 8-10, col. 6, ln. 44 to col. 7, ln. 11 read on the limitations of claims 2-4.

Consider claim 5. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Application/Control Number: 09/665,780 Page 3

Art Unit: 2643

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen (5,745,556) in view of Nolting et al (6,351,453).

Consider claim 6. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11).

Ronen does not explicitly teach the user places a telephone call via a modem pool. However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Page 4

Art Unit: 2643

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Consider claims 7-8. Ronen's Fig. 8-10, col. 6, ln. 44 to col. 7, ln. 11 read on the limitations of claims 2-4.

Consider claim 9. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Consider claims 10-12. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11).

Ronen does not explicitly teach the user places a telephone call via a modem pool.

However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or

Art Unit: 2643

circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Page 5

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Consider claim 13. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Consider claim 14. Ronen does not explicitly teach the user places a telephone call via a modem pool. However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to

Page 6

Art Unit: 2643

provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Consider claims 15-16. Ronen teaches a network (115, fig. 4) that utilizes a modem for processing calls made through the network, comprising a server (web server 301, fig. 4); a search module (processor 305) for searching a database (306) (col. 6, ln. 65 to col. 7, ln. 11); a billing aggregator module, a correlating module and a billing module (billing system 203 inherently performs the functions of a billing aggregator module, a correlating module and a billing module; col. 6, ln. 26 to col. 7, ln. 11; fig. 8-10).

Ronen does not explicitly teach the user places a telephone call via a modem pool.

However, Ronen clearly teaches in fig. 8-10, the user places telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. The call can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101 through the use of a PC (terminal 104).

Nolting teaches a well-known method of accessing the Internet via modem pool (col. 2, ln. 35-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of Ronen in order to provide multiple accessing capability, so that multiple users can access to the same ISP at the same time.

Application/Control Number: 09/665,780 Page 7

Art Unit: 2643

Consider claim 17. Ronen further teaches the network comprises a wireless network (col. 10, ln. 6-29).

Consider claim 18. The method as taught by Ronen in view of Nolting is inherently performed for each of multiple users of the network who would like to access an ISP via a modem pool.

## Response to Arguments

5. Applicant's arguments with respect to claims 6-13 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed 11/12/02 have been fully considered but they are not persuasive.

Regarding the Ronen reference, applicant states "Ronen is unrelated to users placing telephone calls via modem in any situation, let alone to users accessing network-accessible modems to place calls and to billing users for placing such calls". In contrast to applicant's assertions, Ronen clearly teaches in fig. 8-10, users placing telephone calls via modem. It is also noted that a CALL is defined as any connection-oriented information exchange between endpoints. Can involve voice, data, image or video and can be packet-switched or circuit-switched. Also, see col. 2, ln. 37-57; col. 4, ln. 24-33; col. 6, ln. 26-48 for making a virtual or Internet call to ISP101.

#### Conclusion

Art Unit: 2643

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

Page 8

action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of this final

action.

7. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this final action should be mailed to:

**BOX AF** 

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2643

(703) 308-6306 or (703) 308-6296 (Group's Fax numbers) (703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

January 13, 2003

DUC NGUYEN PRIMARY EXAMINER